

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RED MOUNTAIN MEDICAL HOLDINGS,  
INC. f/k/a CDx, DIAGNOSTICS, INC.,

Plaintiff,

v.

JOEL V. BRILL, M.D. and  
PREDICTIVE HEALTH, LLC,

Defendants.

Case No. 1:20-cv-02652-NRB

**DECLARATION OF ANDREW L. HURST  
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

I, Andrew L. Hurst, pursuant to 28 U.S.C. § 1746 and under penalty of perjury state and declare as follows:

1. I am an attorney admitted to practice law in the District of Columbia and to appear *pro hac vice* in this matter before the United States District Court for the Southern District of New York.
2. I am shareholder at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, co-counsel for Defendants, Joel V. Brill, M.D. (“Dr. Brill”) and Predictive Health, LLC (“Predictive Health”) (collectively, the “Defendants”).
3. I submit this declaration in support of Defendants’ Motion to Dismiss the First Amended Complaint (the “Motion”) and know the statements made herein to be true based upon personal knowledge and/or based upon non-privileged information I have received from my client.
4. On May 19, 2015, Dr. Brill and KKR entered into a consulting agreement (“KKR Consulting Agreement”). A true and correct copy of the KKR Consulting Agreement is attached hereto as Exhibit 1.

5. On November 16, 2016, Dr. Brill (via his consulting firm, Predictive Health) and Accelmed entered into a consulting agreement (“Accelmed Consulting Agreement”). The Accelmed Consulting Agreement is attached hereto as **Exhibit 2**.

6. On September 24, 2020, Plaintiff’s counsel, Jessica Caterina, emailed Defendants’ co-counsel, Christopher DeGennaro. A true and correct copy of this correspondence is attached hereto as **Exhibit 3**.

7. On the same day, September 24, 2020, Mr. DeGennaro responded to Plaintiff’s counsel and provided them with—among other things—the KKR and Accelmed Consulting Agreements. A true and correct copy of this response is attached hereto as **Exhibit 4**.

I declare pursuant to 28 U.S.C. § 1746 and under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 12th day of February, 2021

---

/s/ *Andrew L. Hurst*  
Andrew L. Hurst